

REMARKS

Claims 17 and 21-51 are pending.

Claims 17 and 23-51 are rejected for obviousness-type double patenting in view of US 6,773,664. A Terminal Disclaimer in view of this patent was filed November 23, 2004. A copy of the Terminal Disclaimer is attached (ATTACHMENT I). Thus, this rejection is overcome.

Applicant thanks the Examiner for indicating Claims 21 and 22 are objected to only for depending upon a rejected base claim.

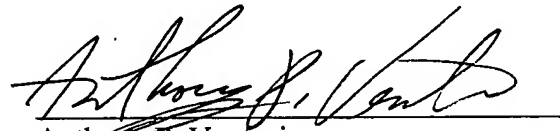
Conclusion

In view of the above, it is respectfully submitted that all rejections are overcome. Thus, a Notice of Allowance is respectfully requested.

Respectfully submitted,

Date: Dec. 10, 2004

By:


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Registration No. 31,674

APV/bms
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ATTACHMENT I - Terminal Disclaimer



PTO/SB/25 (09-04)

Approved for use through 07/31/2008, OMB 0251-0031.

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Check Number (Optional)
APV31184DN

In re Application of: Martinus Godefridus Johannes SPANJERS et al.

Application No.: 10778,805

Filed: February 12, 2004

For: ALUMINIUM DIE-CASTING ALLOY

Corus Aluminium Walzprodukte GmbH

The owner, and Corus Aluminium Voerde GmbH

of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,773,664 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reassued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 31,674

Signature

November 23, 2004

Date

Anthony P. Venturino

Typed or printed name

702-785-0100
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) to be charged to Deposit Account No. 19-4375.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
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